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INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

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Applicant's or agent's file reference 4865	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/IT 03/00714	International filing date (day/month/year) 04.11.2003	Priority date (day/month/year) 05.11.2002
International Patent Classification (IPC) or both national classification and IPC A43C15/08		
Applicant AL.PI. S.R.L. et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 1 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01.06.2004	Date of completion of this report 03.02.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Herry, M Telephone No. +49 89 2399-8666 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/IT 03/00714**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

2 (part), 3-6 as originally filed

1, 2 (part) filed with telefax on 26.01.2005

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 - ☐ the language of publication of the international application (under Rule 48.3(b)).
 - ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority in written form.
 - ☐ furnished subsequently to this Authority in computer readable form.
 - ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
4. The amendments have resulted in the cancellation of:
- ☐ the description, pages:
 - ☐ the claims, Nos.:
 - ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IT 03/00714

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-6
	No: Claims	
Inventive step (IS)	Yes: Claims	1-6
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/IT 03/00714

ITEM V:

Concerning independent claim 1:

- N: US 309 747 A and US-A-4 745 692 disclose shoe soles comprising anti-slipping means that are secured to supporting members, the supporting members being liftable by rotation like a flag and rotatable by 180° with respect to a symmetry axis other than the axis of lifting. None of the cited documents discloses all the features of claim 1.
- IS: The features of claim 1 provide a shoe in which the anti-slipping means are efficiently combined with the known protrusions.

The skilled person would find no indication in the prior art, which would lead him to these features:

- US 309 747 A and US-A-4 745 692 do not disclose protrusions. The supporting member of US 309 747 A is inserted in a flat heel, whereas the supporting member of US-A-4 745 692 covers substantially the whole sole surface.
- the supporting member of US-B1-6 360 455 is combined with protrusions, but is not rotatable with respect to an axis other than the lifting axis.

Concerning dependent claims 2-6:

These dependent claims disclose several preferred embodiments of the sole of claim 1, and therefore meet the requirements of Article 33(2), (3) and (4) PCT.

- IA: The industrial applicability of the sole of claims 1-6 is obvious.

Claims

1. A sole (6) for anti-slipping shoes of the type comprising foldaway anti-slipping means (12) arranged in the face of the sole that will come in touch with the ground, characterized in that said anti-slipping means to increase the adherence to the ground are secured to rigid or semirigid supporting members (10) that are hinged to the sole so as to be lifted from the same by rotation like a flag by at least 180° with respect to a symmetry axis other than the axis of hinge/lifting from the shoe sole and not parallel thereto, each such supporting member at the heel portion and/or at the sole portion being housed in its own single recess or groove (8) arranged in the heel and sole portions, respectively.

2. The sole according to the preceding claim, characterized in that said folding supporting members (10) have two opposite faces to one of which said means (12) to increase the adherence consisting of nails or a coating of rubber material are secured, thus obtaining that in a first position, the position of use, said nails (12) protrude from the sole (6) by as much as it is enough to guarantee the grip to the ground, while in the second position, the rest position, the nails or the rubber coating are directed to the shoe sole and are housed within suitable recesses formed in corresponding positions in the bottom of the print (8) receiving the supporting